

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**CARLOS LOMELI,**

**Defendant.**

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**Case No. 8:10CR158**

**ORDER**

This matter is before the court on the defendant's Motion for Permission to File Motions Out of Time (#107). The defendant through counsel, moves the court for an order allowing the defendant to file a motion to suppress and other motions compelling the government to list all government witnesses, inducements given by the government in return for testimony, and *Brady* materials that the government has in its possession. The motion is denied.

A review of the docket shows the following:

- 4/21/2010** The defendant was indicted (#1) Count I, for conspiracy cocaine, methamphetamine, and marijuana; Count II, use of a communication facility; and Count III, possession with intent to distribute less than 100 kilograms of marijuana.
- 5/4/2010** The defendant appeared at his initial appearance with attorney Anthony Ike, and the court entered a Progression Order (#33) setting defendant's pretrial motion date as May 26, 2010.
- 5/5/2010** Attorney James McGough enters an appearance (#38).
- 5/20/2010** Attorney McGough moves the court for an order extending time to file pretrial motions (#62).
- 5/21/2010** Court grants the motion for extension of time and sets new date for filing of motions as June 20, 2010 (#64).

- 6/10/2010** Attorney McGough files a second motion to extend time for filing of pretrial motions (#86).
- 6/11/2010** Court grants defendant's second motion to extend time for filing of motions, sets new motion date as June 24, 2010 (#88).
- 7/9/2010** Attorney William Gallup enters his appearance (#104).
- 7/9/2010** Attorney McGough moves the court for an order allowing him to withdraw (#105).
- 7/9/2010** Court Order (#106) grants permission for attorney McGough to withdraw.

A review of the record in this case shows the defendant has had two prior extensions of the deadline dates to file pretrial motions, extending the dates from the original pretrial motion dates of May 26, 2010 until June 24, 2010. The record also reflects that attorney Gallup entered his appearance on July 9, 2010, at which time the date for filing pretrial motions had already expired on June 24, 2010. Additionally, a review of the record discloses that from May 4, 2010 through the date of this order the defendant has been represented by attorney Anthony Ike who is designated on the docket as retained.

**IT IS ORDERED:**

1. The defendant's Motion for Permission to File Motions Out of Time (#107) is denied.
2. A party may object to a magistrate judge's order by filing an "Objection to Magistrate Judge's Order" within 14 days after being served with the order. The objecting party must comply with all requirements of NECrimR 59.2.

Dated this 27<sup>TH</sup> day of July, 2010.

BY THE COURT:

S/ F. A. Gossett  
United States Magistrate Judge